

1  
2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,  
3 May 10, 2011 at Westfield City Hall. Members present included Dan Degnan, Randy Graham,  
4 Bill Sanders, Craig Wood and Martin Raines. Also present were Kevin Todd, Senior Planner,  
5 Andrew Murray, Planner; and City Attorney, Brian Zaiger.  
6

7  
8 **APPROVAL OF MINUTES**  
9

10 Raines moved to approve the March 15, 2011 minutes.

11  
12 Degnan seconded, and the motion passed by voice vote.  
13

14  
15 Sanders reviewed the Public Hearing Rules and Procedures.  
16

17  
18 **NEW BUSINESS**  
19

20 1105-VS-02 4018 State Road 32 West, *John Flaherty*  
21 The petitioner is requesting a Variance of Standard from the Westfield- Washington  
22 Zoning Ordinance (WC 16.04.100, 2,b, vii) to allow an accessory building to be 790  
23 square feet larger than the principal building.  
24

25 Murray discussed the request, which is currently zoned SF5, stating that the primary structure is 1,610  
26 square feet and the proposed size of the accessory structure is 2,400 square feet. He added that the  
27 petitioner has indicated the SF-5 setback requirements will be met.  
28

29 Mr. John Flaherty explained the plan for the accessory structure; he discussed surface drainage and his  
30 intention to move the water to a drainage swale.  
31

32 Sanders commented that the plans indicate a platted east/west road on the north side of the property.  
33

34 Flaherty stated his understanding that this was an alley years ago.  
35

36 Murray added that the alley is not improved.  
37

38 Degnan asked if this would be used for temporary or permanent storage.  
39

40 Flaherty responded that it would be used for permanent storage.  
41

42 Sanders asked if he would be using the space for a business or to rent.  
43

44 Flaherty responded that it would be only for his personal use.  
45

46 A Public Hearing opened at 7:10 p.m.  
47

48 Ms. Ross asked about water runoff, the location of the entrance to the building, and confirmed  
49 the building is for personal use only.  
50

1 The Public Hearing closed at 7:14 p.m.

2  
3 Flaherty responded to public hearing comments stating that he has proposed gutters, which will  
4 run to the east and west, and can divert the downspouts across the ten or twenty foot apron to the  
5 south and east of the building.

6  
7 Murray stated that staff addressed the drainage issue with the Westfield Public Works  
8 Department. He stated that the natural drainage flow for this property goes to the southeast  
9 corner of the lot. He stated that the construction of the accessory structure will not affect the  
10 property to the north, and that water will still drain naturally to the southeast.

11  
12 Wood moved to approve 1105-VS-02 with the condition the structure will be used for personal use and  
13 not rental or business.

14  
15 Raines seconded, and the motion passed 5-0

16  
17 Sanders moved to accept the Staff's Finding of Facts on 1105-VS-02.

18  
19 Wood seconded, and the motion passed by voice vote.

20  
21  
22 1105-VU-02 17317 Westfield Park Road, *Westfield Properties and Trust, LLC*

23 The petitioner is requesting multiple Variances of Use from the Westfield-Washington  
24 Zoning Ordinance, as follows: (WC 16.04.060, B, 1) to allow auto sales and service in  
25 the Enclosed Industrial District, and (WC 16.04.070, 2) to allow auto sales and service in  
26 the U.S. Highway 31 Overlay Zone.

27  
28 Ms. Angela Elhaj discussed the variance of use request, stating this property currently services heavy  
29 trucks and leases U-Haul trucks. She added that the proposal is for auto sales and servicing.

30  
31 Sanders asked if this is an additional use or a change in use.

32  
33 Elhaj stated that eventually it will be a change of use. She stated that currently there is leasing of U-Haul  
34 and truck repair on the property.

35  
36 Wood asked if they are part of the current business use on this property.

37  
38 Elhaj stated that that is not the plan for now. She stated that the lease for the trucking company,  
39 Tradewinds, expires at the end of November, but she said that they will be given the option to renew as  
40 long as they would like.

41  
42 Sanders clarified that the lease will be at the option of the owners.

43  
44 Wood asked for clarification of the scope of the size of the business, including how many cars are  
45 anticipated to be on the lot to sell at any given time.

46  
47 Elhaj responded that there will likely be 150-200 automobiles.

48  
49 Wood asked how many employees they will have.

50

1 Elhaj responded that there are a total of ten employees, which includes four sales people.

2  
3 Wood asked how many service bays they will have.

4  
5 Elhaj stated that they will begin with 3-4 bays. She added that there is room to grow, as needed.

6  
7 Wood asked how many customer parking spaces there are.

8  
9 Elhaj responded that there are currently about 20-25 lined spaces.

10  
11 Sanders asked about the size of the building.

12  
13 Hodge responded that it is 14,000 square feet.

14  
15 A Public Hearing opened at 7:30 p.m.

16  
17 No one spoke, and the Public Hearing closed at 7:31 p.m.

18  
19 Todd reiterated that the key question is whether we want an auto sales lot in the Westfield  
20 Business Park.

21  
22 Sanders asked if there could be a time constraint added as a condition of approval.

23  
24 Degnan moved to approve 1105-VU-02.

25  
26 Graham seconded, and the motion passed 4-1 (Wood)

27  
28 Degnan moved to adopt the Staff's Finding of Facts on 1105-VU-02.

29  
30 Sanders seconded, and the motion passed by voice vote.

31  
32  
33  
34 1105-VU-03 18606 U.S. 31 North, RAD Motorsports

35 The petitioner is requesting a Variance of Use from the Westfield-Washington Zoning  
36 Ordinance (WC 16.04.070, 2) to allow auto sales and service in the U.S. Highway 31  
37 Overlay Zone.  
38

39 Todd introduced the variance of use request for an auto sales business. He noted that the property is  
40 currently being occupied by a boat sales operation, and that this would be a dual use of the property if  
41 approved. He stated that the underlying zoning district allows the use, but the US 31 Overlay Zone does  
42 not permit it. Todd added that if the Board is inclined to approve this request, staff suggests a timer be  
43 considered and tied to the timing of the US 31 Major Moves project.  
44

45 Mr. Richard Dworkus presented the details of the variance request, stating that they are asking for a three  
46 to five-year term due to the highway improvements.  
47

48 Wood asked how many vehicles are anticipated for sale at any given time.

49  
50 Dworkus stated that they would start with 15 and have up to a maximum of 30.

51

1 Wood asked how many employees they would have.

2  
3 Dworkus responded that there would be three or four employees.

4  
5 A Public Hearing opened at 7:55 p.m.

6  
7 No one spoke, and the Public Hearing closed at 7:56 p.m.

8  
9 Wood moved to approve 1105-VU-03 with the following conditions:

10  
11 1. That the approval of this variance applies only to the Petitioner; and,

12  
13 2. That the approval of this variance expires in five (5) years.

14  
15 Raines seconded, and the motion passed 3-2 (Degnan, Graham)

16  
17 Sanders moved to adopt the staff's findings of fact on 1105-VU-03.

18  
19 Wood seconded, and the motion passed by voice vote.

20  
21  
22 The meeting adjourned at 8:00 p.m.

23  
24  
25  
26 \_\_\_\_\_  
27 Chairman  
Bill Sanders

\_\_\_\_\_  
Secretary  
Matthew Skelton